

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 07-125 (RHK/SRN)

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
v.)	PRELIMINARY ORDER
)	OF FORFEITURE
JAVARLO LASHA PERRY,)	
a/k/a EARL JUNIOR BROWN,)	
a/k/a DERRIRK LAMAR BROWN,)	
a/k/a DAVID HARVEY,)	
)	
Defendant.)	

Based on the United States' motion for a Preliminary Order of Forfeiture; on the Jury's verdict that Defendant Javarlo Lasha Perry is guilty of Count 1 of the Indictment; on the Court having found that the Phoenix Arms, HP22, .22 caliber semiautomatic pistol, serial number 4116564 is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c); and that, based on all of the files and records of this proceeding, the government has established the requisite nexus between the above-described firearm and the offense of which the defendant has been found guilty,

IT IS HEREBY ORDERED that:

1. the Phoenix Arms, HP22, .22 caliber semiautomatic pistol, serial number 4116564, is forfeited to the United States

pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c);

2. the Attorney General or his authorized designee may seize the foregoing firearm and maintain custody and control of the firearm pending the entry of a Final Order of Forfeiture;

3. the United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;

4. pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

5. following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

6. the Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed.R.Crim.P. 32.2(e).

Dated: 8/29/07

s/Richard H. Kyle
RICHARD H. KYLE, Judge
United States District Court